

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #4)
CELLULAR GENERAL PARTNERSHIP FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
PROVIDE DOMESTIC PUBLIC CELLULAR)
TELECOMMUNICATIONS SERVICE TO THE)
PUBLIC IN RURAL SERVICE AREA #4)
(SPENCER) OF THE COMMONWEALTH OF)
KENTUCKY)

CASE NO. 90-308

O R D E R

This matter arising upon petition of Kentucky RSA #4 Cellular General Partnership ("Kentucky RSA") filed October 4, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of Exhibit 1 to its application for a Certificate of Public Convenience and Necessity, on the grounds that disclosure of the information is likely to cause Kentucky RSA competitive injury, and it appearing to this Commission as follows:

Kentucky RSA has applied for a Certificate of Public Convenience and Necessity to provide domestic public cellular telecommunications service to the public in rural service area #4 (Spencer). Attached to the application as Exhibit 1 are Kentucky RSA's financial projections, specifically gross revenues, gross expenses, net income, capital requirements, and net cash requirements. Kentucky RSA contends that disclosure of the information contained in Exhibit 1 is likely to cause it

competitive injury and has petitioned that the information be protected as confidential.

The information sought to be protected is not generally known outside of Kentucky RSA's business and is not generally known by its employees except on a need-to-know basis. Kentucky RSA has sought to protect and preserve the confidentiality of this information by all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The cellular telephone market is a competitive industry and Kentucky RSA will have competition in the rural statistical area in which it proposed to construct the system which is described in its application for a Certificate of Public Convenience and Necessity. Potential competitors could use the information contained in Exhibit 1 to structure rates in such a manner that Kentucky RSA would be unable to compete effectively for customers. Therefore, disclosure of the information is likely to cause Kentucky RSA competitive injury, and the information is entitled protection as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

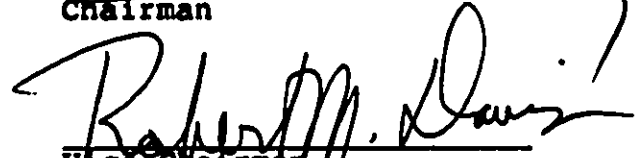
1. Exhibit 1 of Kentucky RSA's application for a Certificate of Public Convenience and Necessity, which Kentucky RSA has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

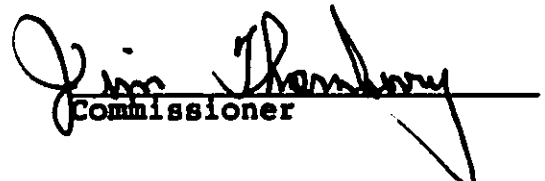
2. Kentucky RSA shall, within 10 days of the date of this Order, file an edited copy of Exhibit 1 with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 22nd day of October, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director